



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,225	06/19/2001	Shinji Noda	Q64996	9818

7590 05/09/2003
SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

HARRISON, CHANTE E

ART UNIT	PAPER NUMBER
----------	--------------

2672

DATE MAILED: 05/09/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Office Action Summary

Application No.

09/883,225

Applicant(s)

NODA ET AL.

Examiner

Chante Harrison

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/19/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "84" has been used to designate both a crop boundary and a triangular mark (pp. 22, Para 1). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "47b" has been used to designate both an inner frame and a thumbnail (pp. 29). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

Art Unit: 2672

"62" of Fig. 11. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "said subsidiary display area" of claim 9.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 1 recites the limitation "those areas of said first and second images" in line 23. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 2672

9. Claim 9 recites the limitation "said subsidiary display area" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Masayuki Yokota et al., U.S. Patent 6,282,330 B1, 8/2001.

As per independent claim 1, Yokota discloses an image synthesizing apparatus for producing a synthetic image from at least first and second images, wherein the synthetic image consists of a background image and at least a main image superimposed on the back ground image, said apparatus comprising: a first display section for displaying said at least first and second images one by one upon each of said images being selected from among images input in said image synthesizing apparatus (Fig. 9; col. 3, ll. 10-18); a second display section for displaying an outer frame and at least an inner frame located inside said outer frame (Fig. 9); a frame

Art Unit: 2672

selecting device for selecting one of said outer and inner frames (i.e. window or slot corresponding to a rectangular shape on a template) as displayed in said second display section (col.12, ll. 45-51; col. 13, ll. 15-20); a crop boundary (i.e. range) displayed on said image in said first display section (col. 3, ll. 14-17, 39-48), said crop boundary having a similar shape to the frame that is selected by said frame selecting device (Fig. 10; col. 3, ll. 43-46; col. 13, ll. 41-46); a frame modifying device for modifying any of said outer and inner frames by homothetically changing size or position of said crop boundary relative to the image displayed in said first display section (col. 8, ll. 30-35; col. 9-10, ll. 65-4); and a cropping and pasting device for cropping those areas of said first and second images that are each individually bounded by said crop boundary (col. 3, ll. 39-45; col. 4, ll. 45-55; col. 6, ll. 28-35), and pasting the cropped area of said first image as the background image (i.e. clipped image of template) in said outer frame (col. 4, ll. 45-55), and the cropped area of said second image as the main image (i.e. trimmed/clipped image from pool of selectable images) in said inner frame (col. 4, ll. 45-50; Fig. 9).

As per dependent claim 2, Yokota discloses an image synthesizing apparatus as recited in claim 1, wherein said outer and inner frames are rectangular (Fig. 9), and said image synthesizing apparatus further comprises a device for enabling changing aspect ratio of any of said outer and inner frames (col. 3, ll. 10-30).

Art Unit: 2672

As per dependent claim 3, Yokota discloses an image synthesizing apparatus as recited in claim 1, wherein where the synthetic image is to have a plurality of main images which overlap with each other (Fig. 9), data designating an order of displaying a plurality of inner frames from the front of the synthetic image is allocated to each inner frame (col. 12-13, ll. 62-12).

As per dependent claim 4, Yokota discloses an image synthesizing apparatus as recited in claim 3, wherein among the plurality of inner frames, one having an image pasted later is placed forward (col. 12-13, ll. 62-12).

As per dependent claim 5, Yokota discloses an image synthesizing apparatus as recited in claim 3, wherein the order of arrangement of said inner frames from the front of the synthetic image may be modified appropriately (col. 6, ll. 28-32; col. 12-13, ll. 66-12)

As per dependent claim 6, Yokota discloses an image synthesizing apparatus as recited in claim 1, wherein said frame selecting device automatically selects said outer frame immediately after said outer and inner frames are displayed in said second display section (col. 11, ll. 48-54; col. 11-12, ll. 65-5; col. 12-13, ll. 65-5).

As per dependent claim 7, Yokota discloses an image synthesizing apparatus as recited in claim 1, wherein said frame modifying device may modify the position or the size of

Art Unit: 2672

any of said outer and inner frames even after an image is pasted in said outer frame or said inner frame (col. 9 ll. 40-50).

As per dependent claim 8, Yokota discloses an image synthesizing apparatus as recited in claim 1, further comprising an image quality control device for controlling quality of an image before or after said image is pasted in said outer frame or said inner frame (col. 4, ll. 28-32; col. 9, ll. 65-67).

As per dependent claim 9, Yokota discloses an image synthesizing apparatus as recited in claim 1, wherein where the main image is to have a non-rectangular contour (Fig. 10), a trimming frame of the non-rectangular contour is displayed in said subsidiary display area inside said inner frame (col. 9, ll. 22-27; col. 13, ll. 41-46), said inner frame having a rectangular shape that circumscribes said trimming frame (i.e. window "1-A" of Fig. 10 which corresponds to a rectangle in a selected template and circumscribing a trimming region of an image) (Fig. 10; col. 2, ll. 59-60; col. 12, ll. 47-50), and an area having a similar shape to said inner frame is cropped out from said second image (Fig. 10; col. 3, ll. 43-46; col. 13, ll. 41-46), and pasted in said inner frame after pixels of marginal portions of said cropped area which are outside said trimming frame are deleted or converted in-to transparent pixels (col. 8, ll. 30-35; col. 13, ll. 41-46, 56-67).

As per dependent claim 10, Yokota discloses an image synthesizing apparatus as recited in claim 1, further comprising a memory for storing the synthetic image as a set

Art Unit: 2672

of image data of those images pasted in said outer and inner frames (col. 5, ll. 12-17), and location data representative of position of said inner frame relative to said outer frame (col. 2, ll. 59-60; col. 4, ll. 10-14; col. 12-13, ll. 66-2; col. 5, ll. 12-15; col. 8, ll. 39-42).

As per dependent claim 11, Yokota discloses an image synthesizing apparatus as recited in claim 10, wherein where the synthetic image has a plurality of main images which overlap with each other (Fig. 9) (i.e. 3 overlapping rectangular windows), data indicating the sequence of arrangement of the main images from the front of the synthetic image is stored in addition to said location data (col. 12-13, ll. 62-12; col. 4, ll. 10-14; col. 5, ll. 12-15; col. 8, ll. 39-42).

As per dependent claim 12, Yokota discloses an image synthesizing apparatus as recited in claim 1, wherein another image may be pasted in any of said outer and inner frames in place of a previously pasted image (col. 6, ll. 28-32).

As per dependent claim 13, Yokota discloses an image synthesizing apparatus as recited in claim 1, further comprising a memory for storing the synthetic image as a single image data file (col. 5, ll. 12-17).

As per dependent claim 14, Yokota discloses an image synthesizing apparatus as recited in claim 1, further comprising a template selecting device for selecting a

Art Unit: 2672

template from among a plurality of options (Fig. 9; col. 12, ll. 23-30), wherein said outer and inner frames are determined by the selected template (Fig. 9; col. 11-12, ll. 65-5).

As per dependent claim 15, Yokota discloses an image synthesizing apparatus as recited in claim 14, wherein samples of said plurality of template options are displayed in a small size on said control screen before one of the templates is selected (Fig. 9; col. 12, ll. 23-30).

As per dependent claim 16, Yokota discloses an image synthesizing apparatus as recited in claim 1, wherein said first and second display sections are arranged side by side on a same control screen (Fig. 9).

As per dependent claim 17, Yokota discloses an image synthesizing apparatus as recited in claim 16, wherein an operating section for operating said image synthesizing apparatus is displayed on the same control screen as said first and second display section (Fig. 9; col. 3, ll. 37-41; col. 12, ll. 34-51).

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chante Harrison whose telephone number is (703) 305-3937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ch
May 2, 2003

